

REMARKS

Claims 1-3, 5-11, and 13-18 are pending in the present application. Claims 4 and 12 were previously cancelled. Claims 1 and 10 are amended. No new matter has been added. In view of the amendments and remarks presented herein, the undersigned respectfully traverses the rejections as set forth below.

Rejection of claims 1-3 and 5-10 under 35 U.S.C. §112

Claims 1-3 and 5-10 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner asserts that claim 1 is unclear as to where the integrity check takes place and that there is insufficient antecedent basis in claims 1 and 10 for “the login page.” Independent claims 1 and 10 have been amended as noted above to address these issues. Accordingly, it is respectfully submitted that claims 1-3 and 5-10 overcome the 35 U.S.C. §112 rejections.

Rejection of claims 1-3, 6, 7, 9-11, 14, 15 and 18 under 35 U.S.C. §102(e)

Claims 1-3, 6, 7, 9-11, 14, 15 and 18 are rejected under §102(e) as being anticipated by U.S. Patent No. 6,779,003 B1 to Midgley et al. (“Midgley”). This rejection is respectfully traversed for at least the following reasons:

Midgley is directed to a system for creating back-up files for data files stored on a computer network. (col. 2, ll. 27-29). The system has a backup server and a data server. An agent operating on the data server is capable of capturing changes to the source data file as the source data file is being modified. (col. 2, ll. 29-34). A synchronization replication process replicates the source data file to create a target data file stored on the backup server. (col. 2, ll. 34-37).

The Examiner relies extensively on col. 14, l. 52 - col. 15, l. 43 and col. 15, ll. 44-63 of Midgley; however, it is respectfully submitted that the teaching of Midgley does not anticipate the claimed invention. To the contrary, Midgley teaches, “Once the source data file that has been altered is identified ... the journal changes for the altered file may be transferred to the backup server ... thereby bringing the target data file into synchronization with the associated source data file.” (col. 15, ll. 30-36) (emphasis added).

Midgley also teaches that “as changes are written to the source data files on the server, the dynamic replication process would place a copy of these changes into a journal file [that] may be then be transferred to the backup server...” (col. 15, ll. 53-57) (emphasis added).

Accordingly, Midgley teaches storing updated backup files that capture changes made to the source file. Midgley therefore actually teaches away from “reinstalling the file at the remote location” (as well as the other limitations) as claimed in independent claims 1 and 10. (emphasis added).

Therefore, Midgley fails to teach each and every element of the claimed invention, as required under §102(e), and it is respectfully requested that the rejection of independent claims 1 and 10 and all claims depending therefrom be reconsidered and withdrawn.

Rejection of claims 5 and 13 under 35 U.S.C. § 103(a)

Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Midgley as applied to claims 1 and 10 and further in view of U.S. Patent No. 5,991,760 to Gauvin et al (“Gauvin”). However, in light of the arguments presented in the preceding section, this combination of art fails to teach each and every element of independent claims 1 and 10. Therefore, for at least the reasons presented in this response, the undersigned respectfully request

that the rejection of claims 5 and 13 as obvious under 35 U.S.C. §103(a) be reconsidered and withdrawn in light of the arguments presented in this response.

Rejection of claims 8 and 16 under 35 U.S.C. § 103(a)


Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Midgley as applied to claims 1 and 10 and further in view of U.S. Patent No. 5,909,429 to Satyanarayana et al ("Satyanarayana"). However, in light of the arguments presented in the preceding section, this combination of art fails to teach each and every element of independent claims 1 and 10. Therefore, for at least the reasons presented in this response, the undersigned respectfully request that the rejection of claims 8 and 16 as obvious under 35 U.S.C. §103(a) be reconsidered and withdrawn in light of the arguments presented in this response.

CONCLUSION

Should the Examiner have any comments, questions or suggestions of a nature necessary to expedite prosecution of the application, the Examiner is requested to contact the undersigned representative at the number listed below. Furthermore, if any additional fees are required in connection with the filing of this response, the Commissioner is hereby authorized to charge the same to Deposit Account No. 501458.

Respectfully submitted,

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